

REMARKS/ARGUMENTS

Applicant has reviewed and considered the claim rejections under 35 U.S.C. § 102 and examined the references used therein and has amended claim 1 to overcome such anticipation objections raised by the examiner in light of the Hebard patent application and the Wallace, Swindle, Jones and Biel patents. Specifically, Applicant has amended claim 1 to include a pig-tail looped hook removal end and a movable bite sleeve.

With regards to the anticipation rejection based on Hebard, the Hebard patent application teaches a C-shaped hook removal end located at the end of a rod. Applicant's hook removal end, as amended, is a pig-tail looped. This structural distinction allows a user to securely hold the fishing line within the center of the hook removal end. If one was using the Hebard invention, the fishing line could easily slip off of the C-shaped hook as the C-shaped hook has an open end.

With regards to the anticipation rejection based on the Wallace patent, although the Wallace patent uses the terminology of a "fishhook-engaging loop," the Wallace patent does not teach a true looped removal end as a loop is defined as "a circle or oval for fastening or holding: something that has a closed or nearly closed circular or oval shape and is often used to carry or fasten something." see enclosed definition from http://encarta.msn.com/dictionary_/loop.html. Rather, the Wallace patent clearly teaches a "semi-enclosed loop" (see column 2, line 6) for the accommodation of a fishline and fishhook (see FIG 2). Thus, similar to the Hebard patent, the Wallace patent utilizes an open-ended fishhook engaging device, rather than a true loop removal device, as taught by Applicant's amended claim 1. Moreover, the Wallace patent does not teach a pig-tail loop as does Applicant's amended claim 1.

With regards to the rejections of claims 6-9 based on the Wallace patent, Applicant has amended the independent method claim 6 so as to protect a pig-tail looped hook removal end and a movable bite sleeve. As these structural distinctions are not taught by the Wallace patent, these method claims could not be anticipated by the Wallace patent.

Next, although the Swindle patent teaches a pig-tail looped hook removal end, the Swindle patent does not teach a movable bite sleeve as does Applicant's amended claim 1. The Swindle patent does, in fact, teach a spreader for the spreading of a fish's mouth, but the

spreader is attached rigidly to the rod (see column 2, lines 49-51). Because the spreader is fixedly attached to the rod, when a user inserts the rod into the fish's mouth, he or she must slide the spreader in and out of the fish's mouth in conjunction with how deep the rod is shoved into the fish.

On the other hand, when a user inserts the rod of Applicant's invention into the fish's mouth, the user may maintain the slidable bite sleeve in a constant position in the fish's mouth while still being able to slide the rod deeper into the fish. This causes less stress to the fish or other aquatic creature as the bite sleeve is not being rubbed against the creature's mouth. As such, Applicant's invention is not anticipated by the Swindle patent.

Next, the Jones patent teaches a fishhook remover wherein the hook removal end is more in the shape of a hook rather than a loop (see definition above). Similar to the Hebard and Wallace patents, this structural distinction is of importance as the fishing line or fishing leader could easily slip off the hook, especially when Applicant has amended claim 1 to cover a pig-tail looped removal end.

In addition, although the Biel patent discloses a rod, a handle perpendicular to the rod, a looped hook removal end and a bite sleeve surrounding the rod, the Biel patent utilizes a selectively closable loop to secure a fishing line and a fixed bite sleeve. On the other hand, Applicant's amended claim 1 teaches a pig-tail hook removal end with a movable bite sleeve. As such, Applicant's invention is not anticipated by the Biel patent.

Next, Applicant has considered and reviewed the examiner's claim rejections based on 35 U.S.C. § 103(a) for obviousness based on the Hebard patent application and the Wallace, Jones and Biel patents and believes Applicant's invention is not obvious in light of said inventions because Applicant has amended independent claims 1 and 6 to include non-obvious subject matter.

Although Applicant agrees with the examiner that having the rod made out of steel (claim 2), having the sleeve plastic (claim 3), having the sleeve at least half the length of the rod (claim 3) and having the handle welded to the rod (claim 4) are simply matters of design choice which would have been obvious to a person having ordinary skill in the art, Applicant has amended independent claim 1 to include non-obvious subject matter, namely a pig-tail looped hook removal end and a movable bite sleeve. Thus, although the dependent claims,

on there own, may be obvious, they are dependent upon amended independent claim 1, which makes any rejections based on obviousness for dependent claims 2-5 moot.

In addition, although the Wallace patent does not disclose the device being used on an animal which is a turtle and Applicant agrees with the examiner that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the hook remover of Wallace on a turtle, because Applicant has amended independent claim 6 to include non-obvious subject matter, namely a pig-tail looped hook removal end and movable bite sleeve, the obviousness rejection of dependent claim 8 is now moot.

Upon further review of the application, Applicant noticed the Abstract of the Disclosure exceeded the 150 word count limit. As such, Applicant has amended the Abstract so as to comply with the rules.

In view of the above amendments and remarks, Applicant believes the examiner will now find this patent application in a position for allowance and its expeditious passage to same is requested.

Should the examiner disagree or have any questions, comments or suggestions that will render this application allowable, a call to the undersigned attorney of record is invited.

Respectfully submitted,
Lyndon Shawn Dick, Applicant


By: 

Edward M. Livingston, Esq.
Edward M. Livingston, P.A.
963 Trail Terrace Drive
Naples, FL 34103
(239) 262-8502

Attorney for Applicant
Reg. No. 28,523

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I HEREBY CERTIFY that the above Response and Amendment is being deposited with the United States Postal Service by first class mail on the 1st day of September, 2004, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Legal Assistant



Encarta®



> > Subscriber

Home | Encyclopedia | **Dictionary** | Atlas | Homework | College | Grad | eLearning | Career Training | Upgrade to Encarta

> > Click here to search all of MSN Encarta

Reference | **Enc**

Dictionary

Find

loop

in

Dictionary

Click here to search all of MSN Encarta

Dictionary Thesaurus * Translations *



loom (2)

loon (1)

loon (2)

loon pants

looney

loonie

loony

loony bin

▶ **loop (1)**

loop (2)

loop aerial

loop diuretic

loop knot

loop line

loop of Henle

looped

looper



loop (1)

loop (1)

loop [loop]

noun (plural **loops**)

1. circle or oval made with string: a circular or oval shape formed by a line or something such as a piece of string that curves back over itself

2. circle or oval for fastening or holding: something that has a closed or nearly closed circular or oval shape and is often used to carry or fasten something

3. contraceptive device: a contraceptive device in the shape of a loop of plastic or metal that is placed in a woman's womb

4. ELECTRICITY closed circuit: a closed electric circuit

5. COMPUT set of commands in computer program: a set of instructions in a computer program that is repeated a certain number of times or until a certain objective has been achieved

6. AIR flight maneuver: a flight maneuver in which a plane flies vertically in a circle

- *to loop the loop*

7. U.K. RAIL railroad branch line: a

Quizzes
Columns
Top 10 Lists

Newsletter
On This Day
Guides

E
M
V

Advertisement

Need an Apart

Search Millions of Ap

MSN Encarta Premium

MSN Encarta Premium \$29.99 per year

MORE ARTICLES!

4,500 MSN Encarta

60,000 MSN Encarta Premium

Click for Details

Our Partners

- Amazon: Buy books
- ClassesUSA.com: Compare online
- CollegeBound Network: ReadySe
- hq|education: Career education
- Kaplan Test Prep and Admission:
- The Princeton Review

Print Preview

See pronunciation key

Search for "loop" in all of MSN Encarta

Download the MSN Encarta Right-Click Dictionary

railroad branch line that leaves the main line and then joins it again later on

8. CINEMA piece of film or tape: a piece of film or tape joined at both ends to allow repeated use of images or sound, especially in dubbing procedures

9. ELECTRICITY See loop aerial

10. CRIMINOLOGY common fingerprint pattern: the most common pattern of a human fingerprint formed by U-shaped ridges

11. ICE SKATING skating jump and turn: a jump in which a skater takes off from the outer back edge of a blade, turns in the air, and lands again on the same blade's outer back edge

verb (past **looped**, past participle **looped**, present participle **loop-ing**, 3rd person present singular **loops**)

1. transitive and intransitive verb make loop: to form or make something form the shape of a loop

2. transitive verb to fasten, join, or arrange something using a loop

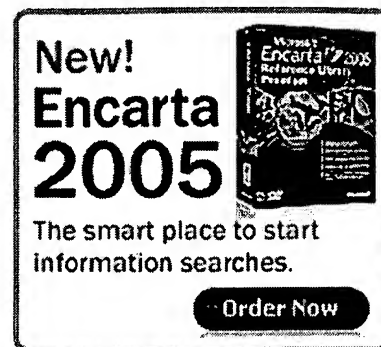
3. intransitive verb curve: to move in a curved path

[14th century. Origin uncertain: perhaps from Irish *lúb* "loop, bend."]

in or out of the loop belonging or not belonging to the people who are decision-makers or are fully informed (*informal*)

knock or throw somebody for a loop to surprise, shock, or upset somebody (*informal*)

Encarta 2005 Is Here!



Also on Encarta

- Earn a nursing degree online: C programs
- Homework help: A back-to-school
- College: Overcoming freshman f

Also on MSN

- Fall fashion guide 2004
- Tired of your job? Train to be a designer, Web master ...
- Switch to MSN in 3 easy steps

MSN Shopping



tiny tank
\$7.50 Sale \$3.99
The Children's Place
More Baby Girls' Top

Encarta® World English Dictionary [North American Edition] © & (P)2004
Microsoft Corporation. All rights reserved. Developed for Microsoft by
Bloomsbury Publishing Plc.

More Links from Our Advertisers

SAT Prep

Distance Learning

Education Online

Tutoring

Online MBA

Textbook

Try MSN Internet Software for FREE!

MSN Home | My MSN | Hotmail | Shopping | Money | People & Chat

©2004 Microsoft Corporation. All rights reserved. Terms of Use Advertise TRUSTe Approved Privacy Statement GetNetWise